

**MINUTES
OF THE REGULAR MEETING OF THE
EDINA CITY COUNCIL
HELD AT CITY HALL
JUNE 19, 2007
7:00 P.M.**

ROLLCALL Answering rollcall were Members Bennett, Housh, Masica, Swenson and Mayor Hovland.

CONSENT AGENDA ITEMS APPROVED Motion made by Member Swenson and seconded by Member Masica approving the Council Consent Agenda as presented with the exception of Agenda Item No. II. D, Resolution No. 2007-67 Rescission of Tingdale Addition Plat and Final Development Plan, and noting the technical correction to page six of the regular minutes of June 5, 2007 as outlined by Member Swenson.

Rollcall:

Ayes: Bennett, Housh, Masica, Swenson, Hovland

Motion carried.

***MINUTES OF THE REGULAR MEETING OF JUNE 5, 2007, WORK SESSION OF JUNE 5, 2007 APPROVED** Motion made by Member Swenson and seconded by Member Masica approving as presented the Minutes of the Regular Meeting of June 5, 2007, Work Session of June 5, 2007.

Motion carried on rollcall vote – five ayes.

ORDINANCE NO. 2007-12 ADOPTED AMENDING SECTION 850 OF THE CITY CODE TO REQUIRE PUBLIC HEARINGS FOR CERTAIN MATTERS BY THE PLANNING COMMISSION Affidavits of publication were presented and placed on file.

Planner Teague noted Edina's Code currently requires the City Council to hold public hearings on items relating to rezoning, preliminary and final development plans, and conditional use permits. The Ordinance amendment would require the Planning Commission to hold a public hearing on these same matters.

Mr. Teague stated the City Council would continue to hold public hearings; however, the scope and extent of those public hearings could be determined at the discretion of the City Council at the time of the hearing. He said holding hearings at the Planning Commission would allow public input at an earlier time.

The Council asked staff questions about the proposed amendment including whether holding hearings at the Planning Commission would replace the Council's hearing process, verifying that approval of the amendment would initiate an additional level of hearings, and provided comments on the expansion of due process. Staff assured the Council that holding Planning Commission hearings would not preclude the hearings currently held by the City Council.

No one appeared for public comment

Member Housh made a motion and Member Swenson seconded it closing the public hearing.

Ayes: Bennett, Housh, Masica, Swenson, Hovland

Motion carried.

Member Swenson made a motion to grant first reading and waive second reading for Ordinance No. 2007-12 amending Section 850 of the Edina City Code to require public hearing for certain matters by the Edina Planning Commission. Member Housh seconded the motion.

Rollcall:

Ayes: Bennett, Housh, Masica, Swenson, Hovland

Motion carried.

ORDINANCE NO. 2007-13 ADOPTED AMENDING SECTION 850.16 OF THE CITY CODE ON-SITE SEWERAGE RETENTION SYSTEMS Affidavits of publication were presented and placed on file.

Engineer Houle reviewed the history of the Metropolitan Council's Sanitary Interceptor 1-RF-491 which was built 54 years ago. He stated recent redevelopment pressures plus the inflow and infiltration problems has lead to the possibility of the interceptor becoming under capacity. For these reasons, in 2006 Edina amended its code to require on-site sewerage retention storage tanks for certain levels of re-development located on the 1-RF-491 interceptor. Mr. Houle reported that the Metropolitan Council has moved forward with an improvement project increasing the capacity of the 1-RF-491 interceptor which will begin construction in 2008. Mr. Houle stated that following re-construction of the interceptor the increased capacity of the interceptor will negate any need for on-site sewerage retention. He said the proposed changes would allow the City to collect a cash fee equal to the cost of constructing the storage tanks from developers. The fee would be held in a dedicated fund to pay for the cost of reducing inflow and infiltration into the sanitary sewer system. A credit against the fee would be given for any expenditures made to reduce inflow and infiltration on-site.

Mr. Houle said he believed the proposed ordinance change would be positive because:

- It would offer a tool to address I&I surcharge to Edina
 - (MCES surcharge has been proposed to be \$528,500)
- It would target I&I on private property
 - (MCES estimates 70% of I&I comes from private property)
- An Ordinance would be easier to administer with cost in lieu of option; reduction in staff and consultant time to review plans of retention facilities.
- Would eliminate unneeded on-site sanitary retention facilities and related maintenance issues.

No one appeared to make public comment.

Member Housh made a motion and Member Swenson seconded it closing the public hearing.

Ayes: Bennett, Housh, Masica, Swenson, Hovland

Motion carried.

Following a Council discussion **Member Housh made a motion to grant first reading and waive second reading for Ordinance No. 2007-13 amending Section 850.16 On-Site Sewerage Retention System of the Edina City Code.** Member Swenson seconded the motion.

Rollcall:

Ayes: Bennett, Housh, Masica, Swenson, Hovland

Motion carried.

ORDINANCE NO. 2007-08 ADOPTED AMENDING SECTION 850 OF THE CITY CODE REGARDING SETBACKS

Mr. Teague noted the proposed ordinance amendment would set minimum setbacks for single family dwellings and govern building elevations for tear down/rebuilds. He noted the Council had granted First Reading to the proposed amendment when it held a public hearing on the amendment in May. The original amendment proposed changes: to how the City measured height; to setback exceptions, to side yard setbacks and to low floor elevation of tear downs. Mr. Teague noted that after work sessions, a tour of several areas of the City, and much deliberation, the Council decided to consider the following proposed changes: setback exceptions (eliminating bay windows that do not extend to the ground level); side yard setbacks (implementing a sliding scale based on lot width slightly increasing the separation between houses on lots that are between 61-75 feet in width); and the allowable low floor elevation for tear downs (the lowest floor elevation of the new home may not be more than one-foot above the lowest floor elevation of the home that was torn down). Mr. Teague pointed out, as directed by Council; that the height issue had been eliminated from the proposed ordinance in order to allow further study by the Council.

After briefly discussing the issue, **Member Bennett made a motion granting Second Reading to Ordinance No. 2007-08 amending Section 850 concerning minimum setbacks and new home construction.** Member Housh seconded the motion.

Rollcall:

Ayes: Bennett, Housh, Masica, Swenson, Hovland

Motion carried.

RESCISSION OF TINGDALE ADDITION PLAT AND FINAL DEVELOPMENT PLAN ACTION CONTINUED INDEFINITELY

Mr. Teague explained the owners of the property had withdrawn their request for the rescission of the Final Plat and Final Development Plan. **Motion of Member Swenson seconded by Member Housh to indefinitely continue the proposed rescission of the Tingdale Addition Plat and Final Development Plan.**

Ayes: Bennett, Housh, Masica, Swenson, Hovland

Motion carried.

PUBLIC COMMENT – No one appeared to comment.

***BID AWARDED FOR WORKERS COMPENSATION INSURANCE** Motion made by Member Swenson and seconded by Member Masica awarding the bid for the City's

Worker's Compensation Insurance to the recommended low bidder League of Minnesota Insurance Trust in the amount of \$459,339.00.

Motion carried on rollcall vote – five ayes.

***BID AWARDED FOR GENERAL LIABILITY INSURANCE Motion made by Member Swenson and seconded by Member Masica awarding the bid for City of Edina's General Liability Insurance Package to the recommended low bidder St. Paul Travelers Company in the amount of \$393,145.00.**

Motion carried on rollcall vote – five ayes.

***BID AWARDED FOR PROPERTY INSURANCE Motion made by Member Swenson and seconded by Member Masica awarding the City of Edina Property/Boiler Machinery Insurance to the recommended low bidder St. Paul Travelers Company in the amount of \$71,784.00.**

Motion carried on rollcall vote – five ayes.

***BID AWARDED FORWOOD AND LEAVES WASTE DISPOSAL - PARK DEPARTMENT Motion made by Member Swenson and seconded by Member Masica awarding the bid for a two-year contract for wood and leave waste disposal from the City of Edina tree dump to the recommended low bidder All Wood Products at \$1.65 per cubic yard and \$383.00 per load.**

Motion carried on rollcall vote – five ayes.

***BID AWARDED FOR TOT LOT RENOVATION - ENDINBOROUGH PARK Motion made by Member Swenson and seconded by Member Masica awarding the bid for the Edinborough Park Tot Lot Area Renovation to the recommended low bidder On Call Services at \$29,620.00.**

Motion carried on rollcall vote – five ayes.

***BID REJECTED FOR COURTNEY FIELD MAINTENANCE BUILDING - BRAEMAR PARK Motion made by Member Swenson and seconded by Member Masica rejecting the only bid received from Metro Building Systems, Inc. for the Braemar Park, Courtney Fields Maintenance Building.**

Motion carried on rollcall vote – five ayes.

***BID AWARDED FOR IMPROVEMENT CONTRACT ENG07-03 WEST 70TH STREET FRANCE AVENUE TO YORK AVENUE Motion made by Member Swenson and seconded by Member Masica awarding the bid for Improvement Project No. BA-336, Contract No. ENG 07-03 West 70th Street Roundabouts (France Avenue to York Avenue) to the recommended low bidder Palda & Sons Inc. at \$1,358,512.00.**

Motion carried on rollcall vote – five ayes.

***BID AWARDED FOR PICK UP TRUCK - FIRE DEPARTMENT Motion made by Member Swenson and seconded by Member Masica awarding the bid for one Chevrolet Silverado, four-door, four-wheel drive one-ton drive Pick-up Truck to the recommended low bidder Thane Hawkins Polar Chevrolet (State Contract #436607) at \$27,292.00.**

Motion carried on rollcall vote – five ayes.

VIA CAFÉ AND BAR LIQUOR LICENSES GRANTED Affidavits of publication were presented and placed on file.

Mr. Hughes explained that the Via Café and Bar would be operating at the location formerly occupied by Pizzeria Uno on France Avenue. He noted they have completed all necessary paperwork for liquor licenses and paid all fees. Mr. Hughes said the Police Department has completed their background investigation with positive results and the application has been reviewed by: Administration, Health, and Planning. Staff recommends the Council favorably consider the license requests.

Anoushiravan Ansari, Tonka Bay, MN, of HP Edina LLC, the owner of the new restaurant briefly introduced himself to the Council and answered questions about his new restaurant.

Member Housh made a motion, seconded by Member Bennett to close the public hearing.

Ayes: Bennett, Housh, Masica, Swenson, Hovland

Motion carried.

Member Housh made a motion to grant an on-sale intoxicating license and Sunday Sale License to HP Edina, LLC dba Via Café & Bar for the period beginning June 20, 2007 and ending March 31, 2008. Member Masica seconded the motion.

Ayes: Bennett, Housh, Masica, Swenson, Hovland

Motion carried.

RESOLUTION NO. 2007-53 - ACCEPTING VARIOUS DONATIONS Mayor Hovland explained in order to comply with State Statutes, all donations to the City must be adopted by Resolution and approved by four favorable votes of the Council accepting the donations.

Member Swenson introduced Resolution No. 2007-66, accepting various donations, and moved approval. Member Housh seconded the motion.

Ayes: Bennett, Housh, Masica, Swenson, Hovland

Motion carried.

APPOINTMENT MADE TO ENERGY & ENVIRONMENT COMMISSION Mayor Hovland stated that he had enlisted the aid of Mayor Pro Tem Housh in interviewing candidates for the newly established Energy & Environment Commission. He said that after interviewing nearly two dozen applicants and spending much time in reflection, he was submitting the following names for appointment to the Commission: Bill Sierks (as Chair), Sean Wenham, Germana Paterlini, Surya Iyer, Dianne Plunkett Latham, John Owens, as representatives from the community at large; Ian Nelson, student representative, Julie Risser as Planning Commission representative and Ray O'Connell as the Park Board representative. As Mayor Hovland related each member, he gave a brief overview of their qualifications.

Member Masica stated she did not like hearing for the first time at the Council meeting about potential appointments. She expressed her concern with the process of appointments and indicated she did not believe that she would be ready to vote.

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Following a Council discussion, Mayor Hovland made a motion to appoint to the Energy and Environment Commission:

- Bill Sierks (as Chair), for a term ending February 1, 2010
- Sean Wenham, for a term ending February 1, 2010
- Germana Paterlini, for a term ending February 1, 2010
- Surya Iyer, for a term ending February 1, 2009
- Dianne Plunkett Latham, for a term ending February 1, 2009
- John Owens, for a term ending February 1, 2009,
- Ian Nelson, student representative, for a one-year term
- Julie Risser as Planning Commission representative, for a term concurrent with her Planning Commission term; and
- Ray O'Connell as the Park Board representative, for a term concurrent with his Park Board term.

Member Housh seconded the motion.

Ayes: Bennett, Housh, Swenson, Hovland

Abstain: Masica

Motion carried.

APPROVAL OF MAYOR'S ATTENDANCE AT 2007 INTERCITY LEADERSHIP VISIT CONFERENCE - OCTOBER 14 - 16 IN TORONTO Mayor Hovland explained he would like to attend the next Intercity Leadership Visit in Toronto October 14-16, 2007, at a cost of approximately, \$2, 095. He noted the Council must authorize this travel request. **Member Bennett made a motion authorizing the travel request for Mayor Hovland's attendance at the October 14-16, 2007 Intercity Leadership Visit in Toronto.** Member Swenson seconded the motion.

Ayes: Bennett, Housh, Masica, Swenson

Abstain: Hovland

Motion carried.

***RESOLUTION NO. 2007-68 ADOPTED AUTHORIZING A GRANT AGREEMENT WITH THE MINNESOTA DEPARTMENT OF PUBLIC SAFETY** Member Masica introduced Resolution No. 2007-68 seconded by Member Swenson authorizing an amendment to the existing grant agreement with the Minnesota Department of Public Safety to fund the Edina Police Department's participation in the Minnesota Financial Crimes Task Force.

Motion carried on rollcall vote – five ayes.

***TRAFFIC SAFETY STAFF REPORT OF MAY 2, 2007, APPROVED** Motion made by Member Masica and seconded by Member Swenson approving the Traffic Safety Staff Review Report for June 6, 2007.

Motion carried on rollcall vote – five ayes.

***CONFIRMATION OF CLAIMS PAID** Motion made by Member Masica and seconded by Member Swenson approving payment of the following claims as shown in detail on the Check Register dated June 6, 2007, and consisting of 31pages: General Fund \$323,325.15; Communications Fund \$23,658.38; Working Capital Fund \$149,601.45; Construction Fund \$3,504.96; Art Center Fund \$1,813.66; Golf Dome Fund \$866.58; Aquatic Center Fund

\$20,433.46; Golf Course Fund \$103,247.28; Ice Arena Fund \$17,560.09; Edinborough/Centennial Lakes Fund \$15,239.67; Liquor Fund \$171,613.61; Utility Fund \$63,115.80; Storm Sewer Fund \$12,624.60; Recycling Fund \$3,995.88; PSTF Agency Fund \$16,516.37; TOTAL \$927,116.94; and for approval of payment of claims dated June 13, 2007, and consisting of 36 pages: General Fund \$187,446.91; CDBG Fund \$1,780.00; Communications Fund \$4,301.43; Working Capital Fund \$73,030.98; Construction Fund \$10,808.39; Art Center Fund \$3,858.51; Golf Dome Fund \$33.01; Aquatic Center Fund \$13,235.06; Golf Course Fund \$41,649.92; Ice Arena Fund \$11,474.95; Edinborough/Centennial Lakes Fund \$37,417.50; Liquor Fund \$244,879.48; Utility Fund \$71,818.37; Storm Sewer Fund \$13,618.34; Recycling Fund \$33,958.00; PSTF Agency Fund \$3,825.22; TOTAL \$753,136.07; and for credit card payment register dated April 26 through May 25, 2007, consisting of 1 page; TOTAL \$611.42.

Motion carried on rollcall vote – five ayes.

EDINA'S COMPREHENSIVE ANNUAL FINANCIAL REPORT (CAFR) FOR YEAR ENDING DECEMBER 31, 2006, RECEIVED Director Wallin introduced James Eichten, CPA, partner with Malloy, Montague, Karnowski, Radosevich & Company, (MMKR) the City's Audit firm. Mr. Eichten briefly informed the Council of the unqualified opinion his firm had given the City of Edina in completing their Comprehensive Annual Financial Statement for the year ending December 31, 2006. He further explained that the Auditor's role in completing the Annual Report was an opinion on assuring the Financial Statements were fairly presented in accordance with the GAAP. Mr. Eichten elaborated that the testing of internal controls and compliance included: Financial Statement Audit; Schedule of Federal Awards; and State Statutes.

No formal action taken

MASSING TASK FORCE RECONVENED CHARGED TO LOOK AT HEIGHT ISSUE Mayor Hovland commented the Council has recently wrestled with the issue of potential amendments to the Zoning Code relative to height. He suggested that the Massing Task Force be reconvened with the charge to report back to the City Council within sixty days regarding the height of homes in Edina. Following Council discussion, **Member Housh made a motion to reconvene the Massing Task Force and charge them with developing a report for the Council with recommendation of amending the zoning code ordinance relative to the height of homes in Edina.** Member Bennett seconded the motion.

Ayes: Bennett, Housh, Swenson, Hovland

Nay: Masica

Motion carried.

There being no further business on the Council Agenda, Mayor Hovland declared the meeting adjourned at 9:35 p.m.

Respectfully submitted,

Debra A. Mangan, City Clerk